

When Recorded Mail To:
City Clerk
City of Buckeye
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 09-14

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, ADOPTING THE "2014 DEVELOPMENT IMPACT FEE ORDINANCE OF THE CITY OF BUCKEYE" BY REFERENCE AND AMENDING THE CITY OF BUCKEYE CITY CODE, CHAPTER 18, DEVELOPMENT FEES, BY DELETING IT IN ITS ENTIRETY AND REPLACING IT WITH THE 2014 DEVELOPMENT IMPACT FEE ORDINANCE OF THE CITY OF BUCKEYE; PROVIDING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. That certain document known as the "2014 Development Impact Fee Ordinance of the City of Buckeye" (the "2014 Impact Fee Ordinance"), three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 80-14 of the City of Buckeye, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 2. The City Code of the City of Buckeye, Arizona (the "City Code"), is hereby amended by deleting Chapter 18 (Development Fees) in its entirety and replacing it with the 2014 Impact Fee Ordinance.

Section 3. Any person who fails to comply with any provision of the 2014 Impact Fee Ordinance shall be subject to criminal penalties as set forth in Section 1-7-1 of the City Code. Criminal penalties shall constitute a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

Section 4. Any person who is found or pleads guilty to a misdemeanor criminal offense in the municipal court and who, as a consequence, is incarcerated in any jail facility, may, as a part of any sentence imposed by the municipal court, be required to reimburse the City for any costs of such incarceration charged to the City by the jail facility in which the person was incarcerated.

Section 5. In addition to any other remedy provided by law, the municipal court may, as a part of any sentence imposed by the municipal court, assess fees, surcharges, costs and expenses against any person who is found or pleads guilty to a civil or misdemeanor criminal offense in such amounts as may be determined by the council and adopted by ordinance, resolution or annual budget.

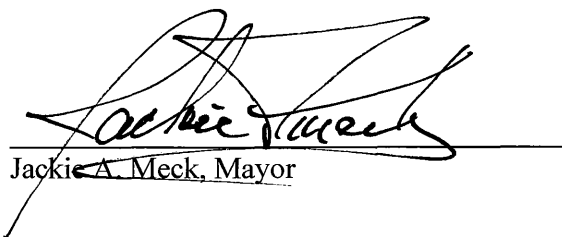
Section 6. No provision of the 2014 Impact Fee Ordinance adopted herein by reference, the City Code, or this Ordinance, designating the duties of an officer or employee of the City shall be so construed as to make such officer or employee liable for any fine or penalty provided for a violation of the City Code, unless the intention of the Mayor and City Council of the City of Buckeye (the "City Council") to impose such a fine or penalty upon such officer or employee is specifically and clearly expressed in the City Code or ordinance creating or establishing the duties of such officer or employee.

Section 7. The immediate operation of the provisions hereof is necessary for the preservation of the public peace, health and safety and an emergency is hereby declared to exist. This Ordinance shall be in full force and effect upon passage by the City Council and is hereby exempt from the referendum provisions of the constitution and laws of the State of Arizona.

Section 8. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the 2014 Impact Fee Ordinance adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 9. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 5th day of August, 2014.


Jackie A. Meck, Mayor

ATTEST:


Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:


Scott W. Ruby, City Attorney